

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
 Replacement of Part 90 by Part 88)
 to Revise the Private Land Mobile)
 Radio Services and Modify the)
 Policies Governing Them)
 and)
 Examination of Exclusivity)
 and Frequency Assignment)
 Policies of the Private)
 Land Mobile Radio Services)

PR Docket No. 92-235

To: The Commission

**REPLY COMMENTS ON
 CONSOLIDATION OF RADIO SERVICES OF THE
 INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.,
 AND THE
INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION**

The International Municipal Signal Association ("IMSA") and the International Association of Fire Chiefs, Inc. ("IAFC") respectfully submit these Reply Comments regarding the consolidation of radio services pursuant to the Report and Order and Further Notice of Proposed Rule Making in the above-captioned proceeding.^{1/}

I. BACKGROUND**A. Scope of Reply**

IAFC/IMSA submit these Reply Comments to address the various comments and several proposals advanced to the Commission concerning the consolidation of radio services. IMSA/IAFC address these Reply Comments solely to the issue

^{1/} 60 Fed. Reg. 37152 (July 19, 1995).

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of the Public Safety Radio Services and the related Special Emergency Radio Service; no position is taken with regard to the manner of consolidation of industrial or land transportation radio services.

IAFC/IMSA did not submit initial comments in response to the Commission's invitation in the Report and Order and Further Notice in this proceeding to submit a consensus plan or other comments concerning consolidation. Rather, in light of the establishment by the Commission and NTIA of the Public Safety Wireless Advisory Committee (PSWAC), and viewing the charge to PSWAC to be inter-related to the issue of spectrum efficiency and service consolidation, IMSA/IAFC requested that the Commission stay service consolidation as it may apply to the Public Safety Radio Services. That request was denied subsequent to the due date for initial comments in this proceeding.^{2/} Accordingly, IAFC/IMSA take this opportunity to submit Reply Comments to address not only the comments of other parties but also to present to the Commission their views concerning service consolidation.

^{2/} Denial of the Requests for Stay filed by the Association of Public Safety Communications officials - International, Inc., IMSA/IAFC, and the Public Safety Communications Council, PR Docket No. 92-235 by Order [DA 95-2354] released November 21, 1995, by the Deputy Chief, Wireless Telecommunications Bureau.

B. Overview of Consolidation Proposals

Notwithstanding that the Commission asked the PLMRS industry to submit a "consensus plan" on how to consolidate the twenty private radio services into 2-4 pools, and despite a series of LMCC-sponsored meetings, no consensus was obtained. Thus, some land mobile organizations and groups of organizations submitted their own plans of service consolidation. While several public safety organizations submitted comments opposing the Commission's tentative conclusion to consolidate radio services, no public safety entity submitted comments suggesting a consolidation plan.

The consolidation positions of the various commentators can be split into three groups:

- (1) No Consolidation. One group of six users, the Coalition of Industrial and Land Transportation Radio Users, urged the FCC to avoid service consolidation and maintain the current system.^{3/} A variety of other commentators supported this position.^{4/}

^{3/} The Coalition was comprised of: ATA; AAR; Central Alarm Station Association; FIT; ITLA and MRFAC.

^{4/} AASHTO at 2; AMTRAK at 2; APCO Position Paper on Radio Service Consolidation at 1-4; CPRS at 2; Burlington at 1-3; CSX at 3-5; and Union Pacific at 3-10. ARINC simply stated that the use of Air Terminal Use (ATU) frequencies would be maximized only if a single frequency coordinator is designated for ATU.

- (2) Three Pools. UTC endorsed a three pool concept which would split the traditional public safety radio services into two pools. UTC advocates creating Emergency Response,^{5/} Public Service,^{6/} and Business Commercial^{7/} pools.
- (3) Traditional Public Safety Pool. The "Joint Pool" commentators submitted a consolidation plan consisting of only a "Public Safety" and a "Public Service" pool.^{8/} The Public Safety pool would be comprised of the six existing Public Safety Radio Services (Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation and Emergency Medical). All of the 14 other services, would be thrown into the "Public Service" pool. The Joint Pool commentators argue for setting aside in the Public Service

^{5/} Police, Fire, Emergency Medical, and Special Emergency.

^{6/} Petroleum, Local Government, Highway Maintenance, Forestry-Conservation, Power, and Railroad.

^{7/} Forest Products, Film and Video Production, Relay Press, Special Industrial, Business, Manufacturers, Telephone Maintenance, Motor Carrier, Taxicab, and Automobile Emergency.

^{8/} Joint Pool at 2.

pool, through corresponding FCC Part 90 rule provisions, frequencies for "special requirements." Oil spill cleanup, emergency response, airline, slave locomotive, and railroad systems would fall under this "special requirements" provision.

II. RESPONSE OF IMSA/IAFC

IAFC/IMSA believe that the existing system of frequency coordination, mandated by the Commission almost ten (10) years ago in PR Docket No. 83-737, is working efficiently to serve the interests of the users and the public interest at large. Frequency coordination is performed by organizations representative of the user groups and knowledgeable in the particular industries they serve and the manner in which those industries utilize radio communications. Inter-service sharing provides for access to channels outside of those allotted to the individual services, and enhances spectrum efficiency. The fire and EMS communities served by IMSA/IAFC in particular, and the private land mobile communities generally, are well satisfied with the existing processes for frequency coordination. Absent failure of the existing system, which would be reflected through dissatisfaction by the constituent communities, IAFC/IMSA see no compelling need to change the current system and risk harm to communications services by increasing access to

channels which now are functionally committed and increasing the number of entities which have authority to coordinate specific channels but are not specifically representative of all of the constituents eligible for the enlarged frequency pools.

If the Commission is determined to change the channel eligibility and frequency coordination process, as tentatively indicated in the Report and Order and Further Notice, IMSA/IAFC believe that the fire and EMS communities could co-exist within a generic public safety pool.^{9/} That pool should be comprised of the existing public safety radio services (Emergency Medical, Fire, Forestry-Conservation, Highway Maintenance, Local Government and Police) and additionally the Special Emergency Radio Service. Such a consolidation should be subject to the operational conditions described below.

Contrary to the suggestions of other parties in this proceeding, any consolidation of services must keep the existing Public Safety Services together, and also must embrace the Special Emergency Radio Service within the public safety pool. For example, UTC's suggestion that the Public Safety Radio Services be divided between "emergency

^{9/} IAFC/IMSA have conferred with other public safety organizations, but no consensus on service consolidation has been reached.

response" and "public service" pools ignores not only the reality that Highway Maintenance, Forestry-Conservation and Local Government licensees provide first-responder functions, but also that there is a substantial degree of inter-relationship in the frequency assignment process between those three services and the Police, Fire and Emergency Medical Services. Inter-service sharing is actively employed in the Public Safety Services, to the effect that many urban and suburban fire departments operate on Forestry-Conservation, Highway Maintenance and Local Government channels, just as state forestry associations may operate on Fire channels in rural areas. Moreover, 450 MHz channels are shared among the six Public Safety Services. To realign the services would ignore the reality of the current frequency assignments. Moreover, such a realignment as suggested by UTC would lead to the potential that Fire and other "emergency response" entities could find themselves sharing frequencies with power, petroleum or railroad licensees by virtue that channels formerly licensed to a fire department from a Forestry-Conservation, Local Government or Highway Maintenance allotment now could be assigned on a shared basis with one of the three industrial/transportation services. The Commission has assiduously avoided allowing inter-service sharing between

Public Safety and non-Public Safety Services, and the UTC proposal would breach this wall.

Similarly, the Special Emergency Radio Service should be integrated with the Fire and EMRS services. Prior to the establishment of a discreet emergency medical response service in 1993, there was cross-over for frequency assignment purposes between the SERS and the Public Safety Services, particularly with regard to emergency medical response communications functions. The nation's Fire service is heavily involved in this situation by virtue that the Fire service is the largest provider of emergency response medical services in the country. Accordingly, any consolidation must entail all of the Public Safety Radio Services as well as the Special Emergency Radio Service.

Should the Commission pursue its concept of service consolidation, each of the four presently-recognized coordinators for the Public Safety Radio Services should be recognized to coordinate the consolidated public safety pool. While the Commission's Report and Order and Further Notice appears to contemplate multiple coordinators for each pool, IMSA/IAFC reiterate that such an approach is both appropriate and necessary.

Furthermore, the Commission should afford the coordinators the opportunity to establish technical standards for coordination within each pool. These

technical standards may include, for example, prioritization of first-responder channels, maintaining discreet MED channels, recognizing "mutual aid" channels, protecting low power channels, etc. Some of these practices may have developed on a service-by-service basis. To the extent that there now may be multiple functions and multiple coordinators within a generic public safety pool, it is essential that protocols be established to recognize discreet functions in order to protect the integrity of existing systems and services. Additionally, the coordinators may desire to establish protocols for the exchange of information. These may entail a minimal waiting period after a coordination is completed, before it is submitted to the Commission, in order to afford other coordinators within the pool the opportunity to bring information which may be relevant to a determination of non-compatibility to the attention of the party who has completed the coordination. It is far better that information be exchanged and any errors be corrected in advance of submission of an application than to have license processing interrupted or a system go on-line before an incompatible current use is detected.

Finally, the Commission should allow a six-month transition period before new service pools are made operative, to allow for upgrading of databases and for the

establishment of such technical standards and operating procedures as may be appropriate within each of the consolidated pools. The user community has a substantial investment in existing systems and services, and that should not be risked by hasty implementation of new operating procedures.

WHEREFORE, THE PREMISES CONSIDERED, the International Association of Fire Chiefs, Inc., and the International Municipal Signal Association respectfully urge the Federal Communications Commission to maintain the existing system of frequency coordination; however, if the Commission is committed to service consolidation, IMSA/IAFC urge the Commission to proceed in accordance with the foregoing recommendations.

Respectfully submitted,

**INTERNATIONAL MUNICIPAL SIGNAL
ASSOCIATION**

AND

**INTERNATIONAL ASSOCIATION OF
FIRE CHIEFS, INC.**

By 

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